

ISRAEL ONTIVEROS,
Plaintiff,
v.
DOMINGUEZ, et al.,
Defendants.

Case No. 19-cv-07496-VKD

**ORDER OF REASSIGNMENT TO
DISTRICT JUDGE**

Israel Ontiveros, a state prisoner proceeding pro se, filed this civil rights complaint pursuant to 42 U.S.C. § 1983, against defendants at Salinas Valley State Prison. After an initial screening, the Court dismissed the complaint with leave to amend. Dkt. No. 8. Mr. Ontiveros has failed to file an amended complaint by April 15, 2020 as directed. *Id.* at 4. This action is therefore subject to dismissal. *Id.* at 5.

All named parties, including unserved defendants, must consent to magistrate judge jurisdiction before a magistrate judge may hear and decide a case. *See* 28 U.S.C. § 636(c)(1); *Williams v. King*, 875 F.3d 500, 501–04 (9th Cir. 2017) (magistrate judge lacked jurisdiction to dismiss case on initial review because unserved defendants had not consented to proceed before magistrate judge). As it appears that this case requires a decision that disposes of the claims against some or all of the defendants at this time, and because not all parties have consented to magistrate judge jurisdiction, the matter must be reassigned to a district judge.

Accordingly, the Clerk shall reassign this case to a district judge pursuant to the Court's Assignment Plan.

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1 **IT IS SO ORDERED.**

2 Dated: June 8, 2020

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5 VIRGINIA K. DEMARCHI
6 United States Magistrate Judge

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United States District Court
Northern District of California